IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4547 OF 2006
IN
FIRST APPEAL NO.410 OF 2006

Smt. Sabhia Mohammed Yusuf Abdul Hamid Mulla (since deceased) through her heirs and Lrs. Mr. Hasib Mohammed Yusuf Abdul Hamid Mulla & Ors. ... Applicants

Vs.

The State of Maharashtra. ... Respondent

Mr. A.Y. Sakhare, senior counsel i/b S.M. Kamble for the applicants.

Mr. K.K. Tated, A.G.P. for the State.

CORAM : SMT. RANJANA DESAI &
SMT. V.K. TAHILRAMANI, JJ.

DATED : 22ND NOVEMBER, 2006.

P.C.:-

1. Heard Mr. Sakhare, the learned senior counsel appearing for the applicants and Mr. Tated, the learned A.G.P. appearing for the State.

2. Mr. Sakhare has drawn our attention to our order dated 8/9/2006 passed on Civil Application No.1486 of 2006 in First Appeal No.1849 of 2006. Mr. Sakhare contended that in the similar fact situation, this court has directed the respondents therein to withdraw the amount calculated at the rate of Rs.12/- per square meter without furnishing security. He submitted that,

therefore, the present order be modified and instead of bank guarantee, the applicants herein may be permitted to withdraw the said amount on giving personal bonds. In the circumstances of the case and having regard to our order in First Appeal No.1846 of 2006 and also considering the fact that the land in question is also from the same area, we see no reason why our present order should not be modified. Hence, we permit the applicants to withdraw the amount to be deposited by the State at the rate of Rs.12/- per square meter on furnishing personal bonds. Our order dated 8/9/2006 stands modified to the above extent.

3. Mr. Tated, the learned counsel for the respondent states that further time of twelve weeks may be granted to the respondent-State to enable the respondent-State to deposit the said amount. In the circumstances of the case, we grant six weeks' further time from 8/12/2006 to enable the respondent-State to deposit the said amount.

4. Civil application is disposed of.

[SMT. RANJANA DESAI, J.]

[SMT. V.K. TAHILRAMANI, J.]